

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID McCULLOUGH on behalf
of himself and all others similarly situated,

Plaintiff,

v.

**INSIGHT FOUNDATION OF
HILLSIDE, INSIGHT FOUNDATION
OF TRUMBULL, AND FIRDAUS
FOUNDATION,**

Defendants.

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Case No. 4:25-cv-00644-BYP

JUDGE BENITA Y. PEARSON

**RENEWED MOTION FOR LEAVE TO INTERVENE AS PLAINTIFFS TO THE FIRST
AMENDED COMPLAINT AND MEMORANDUM IN SUPPORT OF OHIO
COUNCIL 8, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO; LOCAL 2288, AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO; LOCAL 2804, AMERICAN
FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO;
UNITED NURSES OF AMERICA, LOCAL 2026, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO; AND SERVICE
EMPLOYEES INTERNATIONAL UNION DISTRICT 1199**

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Renewed Motion for Leave To Intervene in the First Amended Action as Plaintiffs

Now come Proposed Intervenor Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO (“Ohio Council 8”); Local 2288, American Federation of State, County and Municipal Employees, AFL-CIO (“Local 2288”); Local 2804, American Federation of State, County and Municipal Employees, AFL-CIO (“Local 2804”); United Nurses of America, Local 2026, American Federation of State, County and Municipal Employees, AFL-CIO (“UNA Local 2026”); and Service Employees International Union District 1199 (“SEIU District 1199”) (jointly referred to as “Proposed Intervenor”); and hereby submit their renewed motion that this Court issue an order granting them permission to intervene the amended action as of right as plaintiffs or, in the alternative, for permissive intervention. Proposed Intervenor submit this motion following the filing of the First Amended Collective and Class Action Complaint and Jury Demand (Doc # 25). Proposed Intervenor maintain their right to intervene Fed. R. Civ. P. 24(a)(2) or, in the alternative, request they be permitted to intervene pursuant to Fed. R. Civ. P. 24(b)(1)(B) in this amended matter. In compliance with Fed. R. Civ. P. 24(c), Proposed Intervenor attach and incorporate the proffered Fed. R. Civ. P. 7(a) Complaint, which was filed with their initial Amended Motion To Intervene (Doc # 7-3).

Respectfully submitted,

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Memorandum in Support of Renewed Motion for Leave To Intervene

Proposed Intervenors submit this renewed Motion for Leave To Intervene in this matter as amended by Plaintiff's First Amended Collective and Class Action Complaint (Doc # 25).

On April 7, 2025, Proposed Intervenors filed their Amended Motion for Leave To Intervene as plaintiffs in this action. (Doc # 7.) On June 2, 2025, Plaintiff filed his Partial Opposition to Intervenors' Motion for Leave (Doc # 20), to which Proposed Intervenors submitted their Reply on June 9, 2025 (Doc # 21). The Motion for Leave To Intervene remains pending the Court's determination.

On June 30, 2025, Plaintiff filed his First Amended Collective and Class Action Complaint (Doc # 25) (“First Amended Complaint”). The First Amended Complaint adds Plaintiff Angela Foor to this action. (*See id.* at ¶ 25.) Based on information and belief, Foor was not an employee in any of the classifications represented by Proposed Intervenor at the time of the mass layoffs/plant closure in this action. In addition, although the First Amended Complaint adds claims to this action (*see, e.g., id.* at ¶¶ 37-39 [adding FLSA claim]), the First Amended Complaint does not allege Proposed Intervenor Unions’ independent WARN Act violations or allegations that Defendants violated R.C. Chapter 4111’s overtime provisions with respect to Proposed Individual Intervenor and similarly situated employees.

In short, the First Amended Complaint does not render moot the arguments submitted by Proposed Intervenor in their Amended Motion for Leave To Intervene as Plaintiffs (Doc # 7) or their Reply (Doc # 21). For the reasons set forth in Proposed Intervenor Amended Motion for Leave To Intervene and Reply, all of the Proposed Intervenor have satisfied the requirements to intervene as of right pursuant to Fed. R. Civ. P. 24(a)(2) (Doc # 7 at Page ID ## 76-83; Doc # 21 at Page ID ## 177-82) or, in the alternative, to be granted permission to intervene pursuant to Fed. R. Civ. P. 24(b)(1)(B) (Doc # 7 at Page ID ## 83-84; Doc # 21 at Page ID ## 182-83). Accordingly, Proposed Intervenor respectfully renew their request to intervene as plaintiffs as of right pursuant to Fed. R. Civ. P. 24(a)(2). Should the Court determine that the factors for intervention as of right have not been met, Proposed Intervenor respectfully request that they be permitted to intervene as plaintiffs pursuant to Fed. R. Civ. P. 24(b)(1)(B).

Respectfully submitted,

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Certificate of Service

The undersigned certifies that this Renewed Motion for Leave To Intervene as Plaintiffs and Memorandum in Support has been electronically filed with the U.S. District Court Northern District of Ohio this 21st day of July, 2025. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Kimm A. Massengill-Bernardin
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